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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

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10 JESUS PALAFOX-LUGO,

Case No. 2:18-cv-01294-GMN-VCF

11 Petitioner,

12 v.

ORDER

13 JOSEPH LOMBARDO,

14 Respondent.
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16 This a proceeding under 28 U.S.C. § 2241 in which petitioner, Jesus Palafox-
17 Lugo, seeks federal habeas relief in relation to his custody at the Clark County
18 Detention Center. Petitioner has filed a response (ECF No. 4) to this court's order to
19 show cause (ECF No. 3).

20 Having reviewed the response, this court reserves judgment as to whether its
21 intervention in this matter contravenes the abstention doctrine in *Younger v. Harris*, 401
22 U.S. 37 (1971). The court is also concerned that petitioner has yet to exhaust available
23 state court remedies with respect his continuing custody. *See, e.g., Braden v. 30th Judicial*
24 *Circuit Court of Kentucky*, 410 U.S. 484, 489-92 (1973) (holding that pretrial detainee in
25 state custody must exhaust available state court remedies for federal court to consider
26 detainee's constitutional claim); *Arevalo v. Hennessy*, 882 F.3d 763, 767 (9th Cir. 2018)
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1 (noting that petitioner seeking federal habeas relief with respect to pretrial state detention
2 had “properly exhausted his state remedies as to his bail hearing”).

3 That being said, this court concludes that petitioner’s response to the order to show
4 cause is sufficient to warrant a response from the respondent. Thus, respondent will be
5 directed to show cause why the writ should not be granted. See 28 U.S.C. § 2243.

6 IT IS THEREFORE ORDERED that the Clerk of the Court shall serve a copy of
7 the habeas petition (ECF No. 1) and this order upon the respondent by having the United
8 States Marshal promptly serve both documents on Joseph Lombardo, Sheriff, Las Vegas
9 Metropolitan Police Department, pursuant to Rule 4(j)(2) of the Federal Rules of Civil
10 Procedure.

11 IT IS FURTHER ORDERED that respondent shall file and serve an answer or other
12 response to the petition (ECF No. 1) within twenty (20) days of the date that this order is
13 entered, unless for good cause additional time is allowed.

14 DATED THIS 10 day of August, 2018.

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UNITED STATES DISTRICT JUDGE
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